

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3819 OF 2007

Office Notes, Office Memoranda of :
coram, appearances, Court's Orders: Court's or Judge's orders
or directions and Registrar Orders:

Mr.S.D. Patil for the petitioner.

Mr.Girish Kulkarni with Ms.Swati
Deshmukh i/b Mr.M.G. Kulkarni for
respondent no.1.

Mr.R.D. Rane, Government Pleader, for
respondent no.2.

CORAM : S.B. MHASE &
D.G. KARNIK, JJ.

DATE : 20TH SEPTEMBER 2007

P.C. :

1. Heard.

2. The petitioner seeks that the marks obtained by him in the previous attempt may be carried forward in the next attempt. The petitioner relies upon clause 3 of Ordinance No.140-A of the University of Poona for the said purpose. The clause 3 is applicable subject to the condition mentioned in the sub-clauses, and one of the sub-clauses, i.e. sub-clause (c), is that the examinee must not have failed

in more than one subject head of passing. Mark sheet at page 7 of the writ petition shows that the petitioner had failed in two subjects, namely subject no.501 and subject no.504 in the previous examination. Therefore, clause 3 of Ordinance 140-A was not applicable to him.

3. In the circumstances, there is no merit in the petition. Petition is accordingly rejected.

(D.G. KARNIK, J.)

(S.B. MHASE, J.)